

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-4, 6-7, 9, 18-20 and 22-28 are presently active in this case. Claims 5, 7, 10-17 and 21 were cancelled by previous amendments. The present Amendment amends Claims 1-2, 6-7, 9, 18-19, 23, and 27-28 without introducing any new matter.

In the February 24, 2011 Office Action, Claims 1-4, 6-7, 9, 18-20 and 22-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 1-4, 6, 18-20 and 22-27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Jinks (U.S. Pat. Pub. No. 2002/0055862) in view of Ryan et al. (U.S. Pat. No. 5,839,118, hereinafter “Ryan”), in further view of Barrett et al. (U.S. Pat. No. 6,029,144, hereinafter “Barrett”). Claims 7, 9, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Jinks in view of Ryan, Barrett, and Walker et al. (U.S. Pat. No. 5,794,207, hereinafter “Walker”).

In response to the rejection of Claims 1-4, 6-7, 9, 18-20 and 22-28 under 35 U.S.C. § 112, second paragraph, independent Claims 1, 18, and 23 are amended to correct the noted informalities, to address this rejection.

In particular, Applicants’ independent Claim 1 is amended to be directed to a system for transacting business between an insurance business and a reinsurance business, as suggested by the Office Action. (Feb. 24, 2011 Office Action, p. 2, ll. 22-23.) Claims 1-2, 6-7, 9, 19, 23 and 27-28 are also amended to correct this informality. In addition, independent Claim 1 is amended to recite that the “rating engine” for third-party liability is verified *before* the automatic process determines the total sum insured. Independent Claims 18 and 23 are amended analogously. Because these claim changes are only formal in nature, no new matter has been added.

In response to the rejection of Applicants' independent Claim 1 under 35 U.S.C. § 103(a), Applicants respectfully traverse the rejection, and request reconsideration thereof, as next discussed.

Briefly summarizing, Applicants' independent Claim 1 is directed to a system for transacting business between an insurance business and a reinsurance business. The system includes a server used by the reinsurance business and accessible by the insurance business; and a contract evaluation unit, a standard processing unit, and a non-standard processing unit, the contract evaluation unit and the standard and non-standard processing units included in the server, wherein the standard processing unit is configured to process data by an automatic process, and the non-standard processing unit is configured to process data with human intervention by an additional data input, and after the contract evaluation unit has determined whether a rating engine for third party liability is not advanced enough, the automatic process included in the standard processing unit is permitted to perform automatic rating of the reinsurance event, and the automatic process determines whether a total sum insured of the reinsurance event exceeds a threshold to verify if a local rule applies.

Turning now to the pending rejections, Applicants' independent Claims 1, 18, and 23 were rejected under 35 U.S.C. § 103(a) over the references Jinks, Ryan, and Barrett. In forming this rejection, the pending Office Action has rejected the features of the Claim 1 "standard processing unit" that checks what the total sum of the insured event is to see if a local rule applies, and verifies the third party liability, based on Jinks at paragraphs [0006], [0025], [0028], and [0040], in combination with Barrett's data patent analyzer 210 described at column 14. (Feb. 24, 2011 Office Action, p. 7, ll. 8-12, see e.g., Barrett, col. 14, ll. 11-20.) In addition, the Office Action asserted that the combination of Jinks, Ryan, and Barrett is proper. (Office Action, p. 7, ll. 3-7, ll. 13-19.) Applicants respectfully disagree with these contentions, as next discussed.

Applicants' independent Claim 1 requires that the standard processing unit "determines whether a total sum insured of the reinsurance event exceeds a threshold to verify if a local rule applies." It seems that this feature is not taught by the cited passages of the references Jinks and Barrett, taken in any proper combination.

The reference Jinks is directed to a system for interactively evaluating a commercial insurance risk, by using an agent interface 10 that allows an insurance agent 10 to access an interactive insurance server 16 via a network 12. (Jinks, Abstract, Fig. 1, ¶ [0016]). Jinks explains that the agent can generate a commercial insurance premium by using interface 10, and that a form is presented to the agent showing the classification of an event. Based on questions the server 16 can determine "whether the risk is of a type that may be automatically evaluated by the interactive insurance server." (See Jinks, ¶ [0025], ll. 3-9, Fig. 1).

Moreover, Jinks explains that this evaluation is done by looking at underwriting rules for the particular insurance class. (Jinks, ¶ [0028], ll. 6-9.) However, Jinks fails to teach that the standard processing unit determines whether a total sum insured of the reinsurance event exceeds a threshold to verify if a local rule applies, as required by Applicants' independent claims. As discussed above, Jinks merely makes a general determination if the risk is a type of risk that allows automatic evaluation. Moreover, Jinks' system is based on the evaluation of risk, while the above feature of Applicants' independent Claim 1 checks the "total sum insured." The analysis of risk of Jinks has little relationship to the verification of the total sum insured.

The reference Barrett fails to remedy the deficiencies of Jinks, even if we assume that the references can be combined. Barrett is directed to a system for checking expense entries for compliance with policy rules and detecting the possibility of fraud. (Barrett, Abstract). Barrett explains that his system can detect when accumulated expenses exceed a threshold, for purposes of detecting fraud in a compliance-to-policy detection method for checking

company related work expenses provided by employees, that operates on a host system 250. (Barrett, Abstract, Fig. 4, col. 6, ll. 6-26.) However, Barrett fails to teach that the standard processing unit determines whether a total sum insured of the reinsurance event exceeds a threshold to verify if a local rule applies, as recited in Applicants' Claim 1. Barrett calculates the total of expenses based on the number of fraud-indicative items of an expense entry, and this feature has nothing to do with a "total sum insured" for a reinsurance event, as required by Applicants' independent Claim 1.

Therefore, even if the combination of Jinks and Barrett is assumed to be proper, the cited passages of the combination fails to teach every element of Applicants' Claim 1. Accordingly, Applicants respectfully traverse, and request reconsideration of this rejection based on these references.

Independent Claims 18 and 23 recite features that are analogous to the features argued above with respect to independent Claim 1, but directed to different statutory classes. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 18 and 23, and the rejections of all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-4, 6-7, 9, 18-20 and 22-28 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Nikolaus P. Schibli, Ph.D.
Registration No. 56,994

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)